



## State of Connecticut

### SENATE

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**MEMBER**  
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### Testimony In Opposition of Revisions to Coastal Zone Management Statutes Environment Committee February 22, 2012

Good morning Chairmen Roy and Meyer, Ranking members Roraback and Chapin.

I am Senator Scott Frantz from the 36<sup>th</sup> district, and I am testifying today in opposition to **HB 5128, An Act Concerning Certain Revisions to the Coastal Zone Management Statutes.**

The changes proposed in the legislation appear extraordinary and call for overreaching changes in the policy of this state regarding coastal management and the right to live on the shore.

The bill amends the goals and policies of the Coastal Management Act to "encourage a fair and orderly legal process to foster strategic retreat of property ownership, over a period of several decades, for coastal lands that have a likelihood of being lost due to erosion and coastal lands that contain structures that are subject to repetitive damage."

There is a legal process for such taking of land – eminent domain. With an existing legal framework to take property for legitimate purposes, this language is an attempt to add the taking for coastal management strategies as a "legitimate" purpose. If stopping erosion satisfied the "public use" test for a lawful taking under eminent domain, then there is no need to include this language in the bill.

In addition to creating a new and I believe, unconstitutional basis for taking private property, the bill attempts to codify rising sea levels – to the extent that we put in statute a "projection" of 2.4 inches per decade or at a rate determined by the Commissioner of DEEP to be in accordance with best available science. There is nothing in the bill that sets out the basis for this projection. It simply sets a baseline number that if not reached, will still be the basis for policy determinations in the state. That is, unless the Commissioner comes in with a greater number.

Finally, this bill changes the standards for Coastal Site Plan reviews to include whether or not a property has been flooded previously and rebuilt. This will result in a regulatory taking of any property where permits will be denied based on flooding history. This limits the ability of property owners to enjoy their land and to realize the full value of the waterfront property they have purchased.

If the state wishes to create a program to buy shoreline land and return it to its natural state, and can find the resources to accomplish that, it would be far preferable to formalizing a policy that goes against the fundamental American principle of private ownership of land.. To circumvent the accepted constitutional rationale that justifies the taking of private property for a public purpose seems irresponsible and profoundly wrong.

Many thanks for your time and consideration of my testimony.

Sincerely,  
L. Scott Frantz, State Senator 36<sup>th</sup> District